IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

OP.No. 19074 of 2000(U)

PETITIONER:

P.P. VARGHESE,
PULLAMPLAKKAL VEEDU,
RAMAMANGALAM.P.O.,
ERNAKULAM.

BY ADV. SRI.P.RAMAKRISHNAN.

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY, DEPARTMENT OF IRRIGATION, THIRUVANANTHAPURAM.**

2. **THE CHIEF ENGINEER, P.W.D. (ADM.), THIRUVANANTHAPURAM.**

3. **THE ASSISTANT ENGINEER, ELECTRICAL L.I SECTION, RAMAMANGALAM.**

BY GOVERNMENT PLEADER SRI. MANOJ KUMAR.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 16/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 31774/2000 IN O.P. 19074/2000-U

DISMISSED

16/11/2007. **SD/- KURIAN JOSEPH, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE G.O. (P). NO. 5/90/PW & I DT. 20/01/90 ISSUED BY THE R.1.

EXT.P.2: COPY OF THE ORDER NO. EE1.49461/86 DT. 15/12/92 ISSUED BY THE R.2.

EXT.P.3: COPY OF THE REPRESENTATION DT. 20/09/98 FROM THE PETITIONER TO THE R.2.

EXT.P.4: COPY OF THE ORDER NO. EE2/4998/2000 DT. 31/05/2000 ISSUED BY THE R.2.

EXT.P.5: COPY OF THE CERTIFICATE DTD. 29/01/1986 ISSUED BY THE R.3. TO THE PETITIONER.

EXT.P.6; COPY OF THE LETTER NO. LIR/98-99 DTD. NIL FROM THE R.3. TO THE ASSISTANT EXECUTIVE ENGINEER, ALUVA.

EXT.P.7: COPY OF THE EXTRACT FROM THE ADMISSION REGISTER OF GOVERNMENT LPS RAMAMANGALAM.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

O.P. NO. 19074 OF 2000

Dated this the 16th day of November, 2007.

J U D G M E N T

This original petition is filed with the following prayers:

> a) Issue a writ of certiorari or other appropriate writ, direction or order quashing Exhibit P4 order passed by the 2nd respondent.
>
> b) Issue a writ of mandamus or any other appropriate writ, direction or order directing the respondents to appoint the petitioner as SLR worker with effect from the date of implementation of Ext. P2 order with all consequential benefits including absorption in the regular establishment as has been granted to persons with lesser number of days of CLR service than the petitioner.

2. Learned Government Pleader submits that the petitioner has not proved his identity as to whether he is the P.P. Varghese referred to in the list. According to the petitioner, going by the certificate issued by the third respondent himself, the position cannot be disputed by the second respondent. It is further submitted that in case the matter is considered afresh by the second respondent with notice to the petitioner and third respondent, the identity can be established.

There will be a direction to the second respondent to consider Exhibit P3 representation of the petitioner with notice to the petitioner and third respondent, and pass appropriate orders in accordance with law adverting to the contentions taken by the petitioner and the materials produced by the petitioner, within a period of three months from the date of production of a copy of this judgment by the petitioner before the second respondent.

This original petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp

KURIAN JOSEPH, J.

O.P. NO. 19074 OF 2000

J U D G M E N T

16.11.2007